

In the Court of Appeals of the State of Alaska

Alaska Dental Arts, LLC,
Applicant,

v.

**Seth Albert Lookhart, Shauna
Cranford, Lookhart Dental, LLC,
State of Alaska, Department of
Health and Social Services, Columbia
Bank, Superior Court for the State of
Alaska, and State of Alaska,**
Respondents.

Court of Appeals No. **A-13816**

Order

Date of Order: **July 20, 2021**

Trial Court Case No. **3AN-17-02990CR, 3AN-17-02991CR, 3AN-17-02992CR**

The Public Defender Agency currently represents Seth Lookhart, who is a respondent in this original application. The Agency was appointed to represent Lookhart by the superior court after this Court remanded Lookhart's merit appeal to determine if he was eligible for the assistance of counsel at public expense. (*See* Case No. A-13752, Order dated October 29, 2020.)

The Agency has filed a pleading in this Court explaining that it is uncertain that it is authorized to represent Lookhart. *See* AS 18.85.100(a). The Agency is uncertain because upon its review of the initial remand proceedings, the Agency realized that the superior court did not conduct an inquiry into Lookhart's circumstances, but instead presumed that Lookhart was eligible for court-appointed counsel. *See* Alaska Criminal Rule 39.1(e).

Because of this, the Agency requests that this Court remand this case to the superior court to ensure that Lookhart is eligible for court-appointed counsel. The

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Agency also requests this Court stay Lookhart's response to the original application until the conclusion of the superior court's inquiry.

Accordingly, **IT IS ORDERED:**

1. The request to remand this case for an additional inquiry into Lookhart's eligibility for court-appointed counsel is **GRANTED**. This case is remanded to the superior court for a hearing to determine if Lookhart is eligible for the assistance of counsel at public expense.

2. If the superior court finds that Lookhart is eligible for the assistance of counsel at public expense, the superior court shall so inform this court, and the Public Defender Agency shall continue to represent Lookhart.

3. If the superior court concludes that Lookhart is not eligible for the appointment of counsel at public expense, then the superior court shall provide Lookhart sixty days to obtain substitute counsel, and the superior court shall notify this Court of this finding.

4. The superior court's report on this matter shall be provided to this Court on or before August 2, 2021. Upon notice to this Court, this deadline can be extended by the superior court for good cause.

5. The request to stay Lookhart's response to the original application until the conclusion of the superior court's inquiry is **GRANTED**.

Entered under the authority of Chief Judge Allard.

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